

REMARKS

Claims 79-98, 100-109, 111-114, 116-122, 127, 131, 134, 136-138, 144, 149 and 156-170 are pending in the present application.

The Office Action asserts that restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: claims 79-98, 100-109, 111-114, 116-122, 127, 131, 134, 136-137, 149, 156 and 159-169, drawn to portable mobile communication and information apparatus in a hand-held housing which interacts with wireless external devices in Class 455, Subclass 556.1;

Group II: claims 138 and 144, drawn to a specified housing structure of a small replaceable flash memory card and its socket of an electronic device in Class 439, Subclass 347; and

Group III: claims 157-158 and 170, drawn to a digital camera for capturing still or moving images which interacts with wire-connected external devices in Class 348, Subclass 207.1.

Applicant elects Group I, claims 79-98, 100-109, 111-114, 116-122, 127, 131, 134, 136-137, 149, 156 and 159-169, with traverse.

The Examiner asserted that the inventions are distinct but are related as a subcombination under M.P.E.P. § 806.05(d).

Applicant submits that, even if the claims in each Group are related as a subcombination, the search for one Group would overlap the search for another Group, such that there is no serious burden on the Examiner to examine all claims.

In particular, the Examiner has not shown that a concurrent examination of these groups would present a serious search burden if restriction were not required. In fact, while the

Examiner has noted that the individual groups have a divergent subject matter, there is no appropriate statement that the search areas required to examine Group I would not overlap the search areas for examining Groups II and III, and *vice versa*. Therefore, for the above-noted reasons, and consistent with the Office policy set forth above in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement in this application.

Additionally, Applicant submits that the Examiner did not address any relationship between Groups II and III. Therefore, it is believed that a proper basis for restriction between Groups II and III has not even been advanced. Furthermore, in the event the Examiner indicates a reason for insisting on a restriction between Groups II and III, Applicant believes that a concurrent examination for Group II would not present a serious search burden on the Examiner because the search areas required to examine Group II would overlap into the search areas for examining Group III, and *vice versa*. Thus, consistent with Office policy set forth above in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement in this application.

For all of the above reasons, the Examiner's restriction requirement is believed to be improper. Nevertheless, Applicant has elected, with traverse, the claims of Group I for examination, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Applicant maintains the right to file continuing applications directed to the non-elected claims at any time during the pendency of the current application.

Should the Examiner believe that anything further would be beneficial in order to place this application in even better condition for examination and allowance, the Examiner is

requested to contact Applicant's undersigned representatives at the telephone number listed below.

Favorable consideration and prompt examination and allowance of this application are earnestly solicited.

Respectfully submitted,

Ki Il KIM

A handwritten signature in dark ink, appearing to read 'Abraham HersHKovitz', written over a horizontal line.

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